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July 31, 2025

Via ECF

Hon. Edgardo Ramos
United States District Court for the Southern
District of New York
40 Foley Square
New York, New York 10007

Re: *Smith et al. vs. Giuliani*, No. 1:24-mc-00351-ER (S.D.N.Y.)

Dear Judge Ramos,

We write on behalf of Movants in the above-captioned enforcement proceeding concerning a non-party subpoena *duces tecum* served on Respondent Rudolph Giuliani (“the Subpoena”).

On July 14, 2025, Your Honor granted Movants’ motion to compel Mr. Giuliani’s compliance with the Subpoena and ordered Mr. Giuliani to produce documents responsive to Movants’ document requests no later than July 28, 2025. *See* ECF No. 33.

As Your Honor requested, we write to advise the Court that Mr. Giuliani has failed to produce documents or otherwise timely comply with the Order. On July 28, 2025, rather than producing documents, Mr. Giuliani (through counsel) contacted Movants for the first time to serve responses and objections to the Subpoena, fifteen months after the Subpoena was first served. *See* Ex. A.

First, Mr. Giuliani has waived any objections to the Subpoena’s document requests. He was properly served the Subpoena, pursuant to N.Y. C.P.L.R. § 308(2), on April 26, 2024 by both delivering the Subpoena to a person of “suitable age and discretion,” Mr. Giuliani’s doorman, at Mr. Giuliani’s “usual place of abode,” at that time in New York,¹

¹ Regarding Mr. Giuliani’s claim that Movants made false representations to the Court regarding his state of residence, these allegations are baseless. On the contrary, Movants kept the Court abreast of any updates on Mr. Giuliani’s whereabouts as they learned them,

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and mailing the Subpoena to the same address via certified mail. *See* ECF No. 1, Exs. B, C, & D. Under Fed. R. Civ. P. 45(d)(2)(B), Mr. Giuliani's objections were long waived when he failed to assert any objections to the Subpoena within 14 days of the Subpoena being served, *i.e.*, by May 10, 2024, and did not do so for more than fifteen months after being served. *See Ambac Assurance Corp. v. U.S. Bank Nat'l Ass'n*, 2020 WL 526404, at *2 (S.D.N.Y. Feb. 3, 2020) ("By failing to timely raise any objections to subpoena, [respondent] has waived them.").

Second, Mr. Giuliani remains in violation of this Court's July 14, 2025 Order because he has not produced documents responsive to the Subpoena. While Mr. Giuliani claims he is "not in possession of any Documents and Communications requested in [each] demand," Mr. Giuliani does not claim to lack, or provide any basis to believe he lacks, the ability to retrieve responsive documents and communications from his email, social media, and cloud storage accounts. Mr. Giuliani also fails to explain why he cannot, at a minimum, produce documents that he has previously produced to the United States House Select Committee to Investigate the January 6 Attack on the United States Capitol, which are likely to be responsive to Movants' document requests.

We have reached out to Mr. Giuliani's counsel to meet and confer on whether a resolution can be reached that avoids further burdening the court. We will alert the Court if any further attention is required.

Respectfully submitted,



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including that he changed his address at some point after he was properly served with the Subpoena in New York. *See* ECF No. 17 (letter dated September 30, 2024). And while Mr. Giuliani takes the position in his R&O's that he has resided in Florida since December 31, 2023, he gave sworn testimony in both February and March 2024 in a separate proceeding stating that New York was his principal residence and did not make any declaration on a change in residence to Florida there until July 13, 2024. *See Freeman v. Giuliani*, 2024 WL 5239410 at *2-3 (S.D.N.Y. Dec. 27, 2024).